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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

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13 IN RE OPTICAL DISK DRIVE PRODUCTS  
14 ANTITRUST LITIGATION

CASE NO. 3:10-md-2143 RS

15 This document relates to:

**STIPULATION AND [PROPOSED]  
ORDER REGARDING DEFENDANTS'  
RESPONSES TO INDIRECT PURCHASER  
PLAINTIFFS' FOURTH AMENDED  
CLASS ACTION COMPLAINTS**

16  
17 INDIRECT PURCHASER ACTIONS

Date Action Filed: Oct. 27, 2009

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1           WHEREAS, the Indirect Purchaser Plaintiffs filed a Corrected Second Amended Class  
 2 Action Complaint (“IP-SAC”) on October 18, 2011;

3           WHEREAS, following the Court’s Order Denying Motions to Dismiss (Apr. 19, 2012,  
 4 Dkt. 531), Defendants filed their individual Answers to the IP-SAC between June 4 and August  
 5 17, 2012;

6           WHEREAS, on March 15, 2013, the Indirect Purchaser Plaintiffs lodged under seal a copy  
 7 of their [Proposed] Third Amended Complaint, and then filed (i) a redacted version of their Third  
 8 Amended Class Action Complaint (“IP-TAC”) on April 15, 2013 (Dkt. 832) and (ii) an under seal  
 9 version of the IP-TAC on April 25, 2013 (Dkt. 848);

10          WHEREAS, on April 26, 2013, the Court entered an Order Regarding Defendants’  
 11 Responses to Plaintiffs’ Third Amended Complaints which provided, among other things, that  
 12 Defendants’ previously filed Answers to the IP-SAC shall be deemed sufficient for purposes of  
 13 responding to the IP-TAC (Dkt. 851);

14          WHEREAS, on May 29, 2013, the Indirect Purchaser Plaintiffs filed a Motion for Leave  
 15 to Amend, with a copy of their proposed fourth amended complaint attached (Dkt. 879);

16          WHEREAS, on June 12, 2013, certain Defendants filed a Statement of Nonopposition to  
 17 the Indirect Purchaser Plaintiffs’ Motion for Leave to Amend (Dkt. 901);

18          WHEREAS, on July 3, 2013, the Court entered an Order Re Indirect Purchasers’ Motion  
 19 for Leave to Amend, and Related Matters which granted, in part, the Indirect Purchaser Plaintiffs’  
 20 motion and ruled that the proposed fourth amended complaint may be filed (Dkt. 929);

21          WHEREAS, on July 10, 2013, the Indirect Purchaser Plaintiffs filed under seal their  
 22 Fourth Amended Class Action Complaint (“IP-FAC”) (Dkt. 932); and

23          WHEREAS, the Indirect Purchaser Plaintiffs and Defendants have agreed that, given the  
 24 substantial overlap and nature of the amendments between the IP-SAC and IP-FAC, Defendants’  
 25 previously filed Answers to the IP-SAC shall be deemed sufficient for responding to the IP-FAC;

26          NOW THEREFORE IT IS HEREBY STIPULATED, by and between the undersigned  
 27 counsel for the parties, that Defendants’ previously filed Answers to the IP-SAC shall be deemed  
 28 sufficient for purposes of responding to the IP-FAC. This means that to the extent a Defendant

1 admitted, denied or objected to, in full or in part, any allegation in the IP-SAC, that Defendant  
2 shall be deemed to have admitted, denied or objected to, in full or in part, the same substantive  
3 allegation set forth in the IP-FAC.

4 IT IS SO STIPULATED.

5 DATED: July 15, 2013

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15 \* \* \*



16 HONORABLE RICHARD SEEBORG  
17 UNITED STATES DISTRICT COURT JUDGE

18 IT IS SO ORDERED.  
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20 DATED: 7/18/13